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DCM

In re Application of :
Edgar N. Rudisill :
Serial Number: 10/762,721 : **DECISION**
Filed: January 22, 2004 : **ON**
For: NONWOVEN FIBROUS SHEET STRUCTURES : **PETITION**

This is a decision on the Petition to Make Special because of Actual Infringement, filed under sections 37 C.F.R. 1.102 and 708.02 II of the MPEP on May 11, 2004, regarding the above-referenced application. The fee required under 37 CFR 1.17(h) has been paid.

The criteria set forth in MPEP 708.02 II has not been met. Specifically, applicant has not filed a statement alleging that there is an infringing device or product actually on the market or method in use; that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and that he or she has made or caused to be made a careful and thorough search of the prior art or has good knowledge of the pertinent prior art. See MPEP 708.02 II, parts (A)-(C).

The application remains in the status of a new application awaiting action in its regular turn. Applicant is given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

Accordingly the petition is **DENIED**.

Marian C. Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON DE 19805